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CHARLES G. ROSS  
Secretary to the President

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TO THE HOUSE OF REPRESENTATIVES:

I return herewith, without my approval, H. R. 9490, the proposed "Internal Security Act of 1950."

I am taking this action only after the most serious study and reflection and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

This is an omnibus bill containing many different legislative proposals with only one thing in common: they are all represented to be "anti-communist." But when the many complicated pieces of the bill are analyzed in detail, a startling result appears.

H. R. 9490 would not hurt the communists. Instead, it would help them.

It has been claimed over and over again that this is an "anti-communist" bill -- a "communist control" bill. But in actual operation the bill would have results exactly the opposite of those intended.

It would actually weaken our existing internal security measures and would seriously hamper the Federal Bureau of Investigation and our other security agencies.

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It would help the communists in their efforts to create dissension and confusion within our borders.

It would help the communist propagandists throughout the world who are trying to undermine freedom by discrediting as hypocrisy the efforts of the United States on behalf of freedom.

Specifically, some of the principal objections to the bill are as follows:

1. It would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations.
2. It would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy attempting to carry out its unworkable registration provisions.
3. It would deprive us of the great assistance of many aliens in intelligence matters.
4. It would antagonize friendly governments.
5. It would put the Government of the United States in the thought control business.
6. It would make it easier for subversive aliens to become naturalized as United States citizens.
7. It would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech.

Legislation with these consequences is not necessary to meet the real dangers which communism presents to our free society. Those dangers are serious, and must be met. But this bill would hinder us, not help us, in meeting them. Fortunately, we already have on the books strong laws which give us most of the protection we need from the real dangers of treason, espionage, sabotage, and actions looking to the overthrow of our Government by force and violence. Most of the provisions

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of this bill have no relation to these real dangers.

One provision alone of this bill is enough to demonstrate how far it misses the real target. Section 5 would require the Secretary of Defense to "proclaim" and "have published in the Federal Register" a public catalogue of defense plants, laboratories, and all other facilities vital to our national defense -- no matter how secret. I cannot imagine any document a hostile foreign government would desire more. Spies and saboteurs would willingly spend years of effort seeking to find out the information that this bill would require the Government to hand them on a silver platter. There are many provisions of this bill which impel me to return it without my approval, but this one would be enough by itself. It is inconceivable to me that a majority of the Congress could expect the Commander-in-Chief of the armed forces of the United States to approve such a flagrant violation of proper security safeguards.

This is only one example of many provisions in the bill which would in actual practice work to the detriment of our national security.

I know that the Congress had no intention of achieving such results when it passed this bill. I know that the vast majority of the members of Congress who voted for the bill sincerely intended to strike a blow at the communists.

It is true that certain provisions of this bill would improve the laws protecting us against espionage and sabotage. But these provisions are greatly outweighed by others which would actually impair our security.

I repeat, the net result of this bill would be to help the communists, not to hurt them.

I therefore most earnestly request the Congress to reconsider its action. I am confident that on more careful analysis most members of Congress will recognize that this bill

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is contrary to the best interests of our country at this critical time.

H.R. 9490 is made up of a number of different parts. In summary, their purposes and probable effects may be described as follows.

Sections 1 through 17 are designed for two purposes. First, they are intended to force communist organizations to register and to divulge certain information about themselves -- information on their officers, their finances, and, in some cases, their membership. These provisions would in practice be ineffective, and would result in obtaining no information about communists that the FBI and our other security agencies do not already have. But in trying to enforce these sections, we would have to spend a great deal of time, effort, and money -- all to no good purpose.

Second, these provisions are intended to impose various penalties on communists and others covered by the terms of the bill. So far as communists are concerned, all these penalties which can be practicably enforced are already in effect under existing laws and procedures. But the language of the bill is so broad and vague that it might well result in penalizing the legitimate activities of people who are not communists at all, but loyal citizens.

Thus the net result of these sections of the bill would be: no serious damage to the communists, much damage to the rest of us. Only the communist movement would gain from such an outcome.

Sections 18 through 21 and section 23 of this bill constitute, in large measure, the improvements in our internal security laws which I recommended some time ago. Although the language of these sections is in some respects weaker than is desirable, I should be glad to approve these provisions if they were enacted separately, since they are improvements developed by the FBI and

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other Government security agencies to meet certain clear deficiencies of the present law. But even though these improvements are needed, other provisions of the bill would weaken our security far more than these would strengthen it. We have better protection for our internal security under existing law than we would have with the amendments and additions made by H. R. 9490.

Sections 22 and 23 of this bill would make sweeping changes in our laws governing the admission of aliens to the United States and their naturalization as citizens.

The ostensible purpose of these provisions is to prevent persons who would be dangerous to our national security from entering the country or becoming citizens. In fact, present law already achieves that objective.

What these provisions would actually do is to prevent us from admitting to our country, or to citizenship, many people who could make real contributions to our national strength. The bill would deprive our Government and our intelligence agencies of the valuable services of aliens in security operations. It would require us to exclude and to deport the citizens of some friendly non-communist countries. Furthermore, it would actually make it easier for subversive aliens to become United States citizens. Only the communist movement would gain from such actions.

Section 24 and sections 26 through 30 of this bill make a number of minor changes in the naturalization laws. None of them is of great significance -- nor are they particularly relevant to the problem of internal security. These provisions, for the most part, have received little or no attention in the legislative process. I believe that several of them would not be approved by the Congress if they were considered on their merits, rather than as parts of an omnibus bill.

Section 31 of this bill makes it a crime to attempt to influence a judge or jury by public demonstration, such as

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picketing. While the courts already have considerable power to punish such actions under existing law, I have no objection to this section.

Sections 100 through 117 of this bill (Title II) are intended to give the Government power, in the event of invasion, war, or insurrection in the United States in aid of a foreign enemy, to seize and hold persons who could be expected to attempt acts of espionage or sabotage, even though they had as yet committed no crime. It may be that legislation of this type should be on the statute books. But the provisions in H.R. 9490 would very probably prove ineffective to achieve the objective sought, since they would not suspend the writ of habeas corpus, and under our legal system to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended. Furthermore, it may well be that other persons than those covered by these provisions would be more important to detain in the event of emergency. This whole problem, therefore, should clearly be studied more thoroughly before further legislative action along these lines is considered.

In brief, when all the provisions of H.R. 9490 are considered together, it is evident that the great bulk of them are not directed toward the real and present dangers that exist from communism. Instead of striking blows at communism, they would strike blows at our own liberties and at our position in the world. In the face of these working for freedom in the world, at a time when our young men are fighting for freedom in Korea, it would be tragic to advance the objectives of communism in this country, or as this bill would do, raise serious constitutional questions unless the Government feels so strongly that this legislation would be a terrible mistake, I want to discuss more fully its worst features -- sections 1 through 17, and sections 22 and 25. This bill is most of the first seventeen sections of H.R. 9490 are concerned with requiring registration and annual reports by persons intended to be made when all the provisions of H.R. 9490 are considered together, it is evident that the great bulk of them are not directed toward the real and present dangers that exist from communism. Instead of striking blows at communism, they would strike blows at our own liberties and at our position in the world.

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what the bill calls "communist-action organizations" and "communist-front organizations," of names of officers, sources and uses of funds, and, in the case of "communist-action organizations," names of members.

The idea of requiring communist organizations to divulge information about themselves is a simple and attractive one. But it is about as practical as requiring thieves to register with the sheriff. Obviously, no such organization as the Communist Party is likely to register voluntarily.

Under the provisions of the bill, if an organization which the Attorney General believes should register does not do so, he must request a five-man "Subversive Activities Control Board" to order the organization to register. The Attorney General would have to produce proof that the organization in question was in fact a "communist-action" or a "communist-front organization." To do this he would have to offer evidence relating to every aspect of the organization's activities. The organization could present opposing evidence. Prolonged hearings would be required to allow both sides to present proof and to cross-examine opposing witnesses.

To estimate the duration of such a proceeding involving the Communist Party, we need only recall that on much narrower issues the trial of the eleven communist leaders under the Smith Act consumed nine months. In a hearing under this bill, the difficulties of proof would be much greater and would take a much longer time.

The bill lists a number of criteria for the Board to consider in deciding whether or not an organization is a "communist-action" or "communist-front" organization. Many of these deal with the attitudes or states of mind of the organization's leaders. It is frequently difficult in legal proceedings to establish whether or not a man has committed an overt act, such as theft or perjury. But under

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this bill, the Attorney General would have to attempt the immensely more difficult task of producing concrete legal evidence that men have particular ideas or opinions. This would inevitably require the disclosure of many of the FBI's confidential sources of information and thus would damage our national security.

If, eventually, the Attorney General should overcome these difficulties and get a favorable decision from the Board, the Board's decision could be appealed to the Courts. The Courts would review any questions of law involved, and whether the Board's findings of fact were supported by the "preponderance" of the evidence.

All these proceedings would require great effort and much time. It is almost certain that from two to four years would elapse between the Attorney General's decision to go before the Board with a case, and the final disposition of the matter by the Courts.

And when all this time and effort had been spent, it is still most likely that no organization would actually register.

The simple fact is that when the Courts at long last found that a particular organization was required to register, all the leaders of the organization would have to do to frustrate the law would be to dissolve the organization and establish a new one with a different name and a new roster of nominal officers. The Communist Party has done this again and again in countries throughout the world. And nothing could be done about it except to begin all over again the long dreary process of investigative, administrative, and judicial proceedings to require registration.

Thus the net result of the registration provisions of this bill would probably be an endless chasing of one organization after another, with the communists always able to frustrate the law enforcement agencies and prevent any final result from being achieved. It could only result in wasting the energies of the Department of Justice and in destroying the sources of information of its FBI. To impose these fruitless burdens upon the FBI would



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divert it from its vital security duties and thus give aid and comfort to the very communists whom the bill is supposed to control.

Unfortunately, these provisions are not merely ineffective and unworkable. They represent a clear and present danger to our institutions.

In so far as the bill would require registration by the Communist Party itself, it does not endanger our traditional liberties. However, the application of the registration requirements to so-called communist-front organizations can be the greatest danger to freedom of speech, press and assembly, since the Alien and Sedition Laws of 1798. This danger arises out of the criteria or standards to be applied in determining whether an organization is a communist-front organization.

There would be no serious problem if the bill required proof that an organization was controlled and financed by the Communist Party before it could be classified as a communist-front organization. However, recognizing the difficulty of proving those matters, the bill would permit such a determination to be based solely upon "the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those" of the communist movement.

This provision could easily be used to classify as a communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a communist foreign government. In fact, this may be the intended result, since the bill defines "organization" to include "a group of persons \* \* \* permanently or temporarily associated together for joint action on any subject or subjects." Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a communist-front organization because the communists regularly exploit such conditions as one of their fifth-column techniques.

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It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by communists.

The basic error of these sections is that they move in the direction of suppressing opinion and belief. This would be a very dangerous course to take, not because we have any sympathy for communist opinions, but because any governmental stifling of the free expression of opinion is a long step toward totalitarianism.

There is no more fundamental axiom of American freedom than the familiar statement: In a free country, we punish men for the crimes they commit, but never for the opinions they have. And the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority. To permit freedom of expression is primarily for the benefit of the majority, because it protects criticism, and criticism leads to progress.

We can and we will prevent espionage, sabotage, or other actions endangering our national security. But we would betray our finest traditions if we attempted, as this bill would attempt, to curb the simple expression of opinion. This we should never do, no matter how distasteful the opinion may be to the vast majority of our people. The course proposed by this bill would delight the communists, for it would make a mockery of the Bill of Rights and of our claims to stand for freedom in the world.

And what kind of effect would these provisions have on the normal expression of political views? Obviously, if this law were on the statute books, the part of prudence would be to avoid saying anything that might be construed by someone as not deviating sufficiently from the current communist propaganda line. And since no one could be sure in advance what views were safe to express, the inevitable tendency would be to express no views on controversial subjects.

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The result could only be to reduce the vigor and strength of our political life -- an outcome that the communists would happily welcome, but that free men should abhor.

We need not fear the expression of ideas -- we do need to fear their suppression.

Our position in the vanguard of freedom rests largely on our demonstration that the free expression of opinion, coupled with government by popular consent, leads to national strength and human advancement. Let us not, in cowering and foolish fear, throw away the ideals which are the fundamental basis of our free society.

Not only are the registration provisions of this bill unworkable and dangerous, they are also grossly misleading in that all but one of the objectives which are claimed for them are already being accomplished by other and superior methods -- and the one objective which is not now being accomplished would not in fact be accomplished under this bill either.

It is claimed that the bill would provide information about the communist party and its members. The fact is, the FBI already possesses very complete sources of information concerning the communist movement in this country. If the FBI must disclose its sources of information in public hearings to require registration under this bill, its present sources of information, and its ability to acquire new information, will be largely destroyed.

It is claimed that this bill would deny income tax exemptions to communist organizations. The fact is that the Bureau of Internal Revenue already denies income tax exemptions to such organizations.

It is claimed that this bill would deny passports to communists. The fact is that the Government can and does deny passports to communists under existing law.

It is claimed that this bill would prohibit the employment of communists by the Federal Government. The fact is that

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the employment of communists by the Federal Government is already prohibited and, at least in the Executive Branch, there is an effective program to see that they are not employed.

It is claimed that this bill would prohibit the employment of communists in defense plants. The fact is that it would be years before this bill would have any effect of this nature -- if it ever would. Fortunately, this objective is already being substantially achieved under the present procedures of the Department of Defense, and if the Congress would enact one of the provisions I have recommended -- which it did not include in this bill -- the situation would be entirely taken care of, promptly and effectively.

It is also claimed -- and this is the one new objective of the registration provisions of this bill -- that it would require communist organizations to label all their publications and radio and television broadcasts as emanating from a communist source. The fact is that this requirement, even if constitutional, could be easily and permanently evaded, simply by the continuous creation of new organizations to distribute communist information.

Section 4(a) of the bill, like its registration provisions, would be ineffective, would be subject to dangerous abuse, and would seek to accomplish an objective which is already better accomplished under existing law.

This provision would make unlawful any agreement "to perform any act which would substantially contribute to the establishment within the United States" of a foreign-controlled dictatorship. Of course, this provision would be unconstitutional if it infringed upon the fundamental right of the American people to establish for themselves by constitutional methods any form of government they choose. To avoid this, it is provided that this section "shall not apply to the proposal of a constitutional amendment." If this language limits the prohibition of the section to the use of unlawful methods, then it adds nothing to the Smith Act, under which eleven communist leaders have been convicted, and would be more difficult to enforce. Thus, it would accomplish nothing. Moreover, the bill does not even purport to define the phrase, unique

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in a criminal statute, "substantially contribute." A phrase so vague raises a serious Constitutional question.

Sections 22 and 25 of this bill are directed toward the specific questions of who should be admitted to our country, and who should be permitted to become a United States citizen. I believe there is general agreement that the answers to those questions should be: We should admit to our country, within the available quotas, anyone with a legitimate purpose who would not endanger our security, and we should admit to citizenship, any immigrant who will be a loyal and constructive member of the community. Those are essentially the standards set by existing law. Under present law, we do not admit to our country known communists, because we believe they work to overthrow our Government, and we do not admit communists to citizenship, because we believe they are not loyal to the United States.

The changes which would be made in the present law by sections 22 and 25 would not reinforce those sensible standards. Instead, they would add a number of new standards, which, for no good and sufficient reason, would interfere with our relations with other countries and seriously damage our national security.

Section 22 would, for example, exclude from our country anyone who advocates any form of totalitarian or one-party government. We of course believe in the democratic system of competing political parties, offering a choice of candidates and policies. But a number of countries with which we maintain friendly relations have a different form of government.

Until now, no one has suggested that we should abandon cultural and commercial relations with a country merely because it has a form of government different from ours. Yet section 22 would require that. As one instance, it is clear that under the definitions of the bill the present government of

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Spain, among others, would be classified as "totalitarian." As a result, the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other non-official travelers who support the present government of their country. I cannot understand how the sponsors of this bill can think that such an action would contribute to our national security.

Moreover, the provisions of section 22 of this bill would strike a serious blow to our national security by taking away from the Government the power to grant asylum in this country to foreign diplomats who repudiate communist imperialism and wish to escape its reprisals. It must be obvious to anyone that it is in our national interest to persuade people to renounce communism, and to encourage their defection from communist forces. Many of these people are extremely valuable to our intelligence operations. Yet under this bill the Government would lose the limited authority it now has to offer asylum in our country as the great incentive for such defection.

In addition, the provisions of section 22 would sharply limit the authority of the Government to admit foreign diplomatic representatives and their families on official business. Under existing law, we already have the authority to send out of the country any person who abuses diplomatic privileges by working against the interests of the United States. But under this bill a whole series of unnecessary restrictions would be placed on the admission of diplomatic personnel. This is not only ungenerous, for a country which eagerly sought and proudly holds the honor of being the seat of the United Nations, it is also very unwise, because it makes our country appear to be fearful of "foreigners," when in fact we are working as hard as we know how to build mutual confidence and friendly relations among the nations of the world.

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Sections 22 is so contrary to our national interests that it would actually put the Government into the business of thought control by requiring the deportation of any alien who distributes or publishes, or who is affiliated with an organization which distributes or publishes, any written or printed matter advocating (or merely expressing belief in) the economic and governmental doctrines of any form of totalitarianism. This provision does not require an evil intent or purpose on the part of the alien, as does a similar provision in the Smith Act. Thus, the Attorney General would be required to deport any alien operating or connected with a well-stocked bookshop containing books on economics or politics written by supporters of the present government of Spain, of Yugoslavia, or any one of a number of other countries. Section 25 would make the same aliens ineligible for citizenship. There should be no room in our laws for such hysterical provisions. The next logical step would be to "burn the books."

This illustrates the fundamental error of these immigration and naturalization provisions. It is easy to see that they are hasty and ill-considered. But far more significant -- and far more dangerous -- is their apparent underlying purpose. Instead of trying to encourage the free movement of people, subject only to the real requirements of national security, these provisions attempt to bar movement to anyone who is, or once was, associated with ideas we dislike, and in the process, they would succeed in barring many people whom it would be to our advantage to admit.

Such an action would be a serious blow to our work for world peace. We uphold -- or have upheld till now, at any rate -- the concept of freedom on an international scale. That is the root concept of our efforts to bring unity among the free nations and peace in the world.

The communists, on the other hand, attempt to break

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down in every possible way the free interchange of persons and ideas. It will be to their advantage, and not ours, if we establish for ourselves an "iron curtain" against those who can help us in the fight for freedom.

Another provision of the bill which would greatly weaken our national security is Section 25, which would make subversive aliens eligible for naturalization as soon as they withdraw from organizations required to register under this bill, whereas under existing law they must wait for a period of ten years after such withdrawal before becoming eligible for citizenship. This proposal is clearly contrary to the national interest, and clearly gives to the communists an advantage they do not have under existing law.

I have discussed the provisions of this bill at some length in order to explain why I am convinced that it would be harmful to our security and damaging to the individual rights of our people if it were enacted.

Earlier this month, we launched a great Crusade for Freedom designed, in the words of General Eisenhower, to fight the big lie with the big truth. I can think of no better way to make a mockery of that crusade and of the deep American belief in human freedom and dignity which underlie it than to put the provisions of H. R. 9490 on our statute books.

I do not undertake lightly the responsibility of differing with the majority in both Houses of Congress who have voted for this bill. We are all Americans; we all wish to safeguard and preserve our constitutional liberties against internal and external enemies. But I cannot approve this legislation, which instead of accomplishing its avowed purpose would actually interfere with our liberties and help the communists against whom the bill was aimed.



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This is a time when we must marshal all our resources and all the moral strength of our free system in self-defense against the threat of communist aggression. We will fail in this, and we will destroy all that we seek to preserve, if we sacrifice the liberties of our citizens in a misguided attempt to achieve national security.

There is no reason why we should fail. Our country has been through dangerous times before, without losing our liberties to external attack or internal hysteria. Each of us, in Government and out, has a share in guarding our liberties. Each of us must search his own conscience to find whether he is doing all that can be done to preserve and strengthen them.

No considerations of expediency can justify the enactment of such a bill as this, a bill which would so greatly weaken our liberties and give aid and comfort to those who would destroy us. I have, therefore, no alternative but to return this bill without my approval, and I earnestly request the Congress to reconsider its action.

HARRY S. TRUMAN

THE WHITE HOUSE,

September 22, 1950

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